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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/757,355	01/14/2004		MED-EL

CONFIRMATION NO. 3324

FORMALITIES LETTER



OC000000012393971

020151
 HENRY M FEIEREISEN, LLC
 350 FIFTH AVENUE
 SUITE 4714
 NEW YORK, NY 10118

Date Mailed: 04/21/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

07/19/2004 WASFAW1 00000084 10757355

FILED UNDER 37 CFR 1.53(b)

01 FC:2001	385.00 OP
02 FC:2051	65.00 OP
03 FC:2202	18.00 OP
04 FC:1053	130.00 OP

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The application was filed in a language other than English. Applicant is required to provide an English translation of the specification and a statement that the translation is accurate. (See 37 CFR 1.52(d)).
- Applicant must file an English translation of the application, the \$ 130 fee set forth in 37 CFR 1.17(i), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).
- Because your specification was filed in a language other than English, the Office was unable to determine the number of claims submitted. Additional claim fees may be due once the number of claims can be determined.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:

- The drawing figures contain text that is not in English (including, for example, a flow chart that was originally not in English that has been marked up to include the English text) (see 37 CFR 1.84(p)(2) and 37 CFR 1.52(d)(1)). See Figure(s) 1-8.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1030** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- **\$130** for English translation surcharge required.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

T. Ketsel
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT

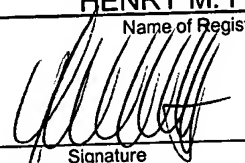
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: BLAU

In re Application of:)
MATTHIAS BLAU ET AL.)
Appl. No.: 10/757,355)
Filed: January 14, 2004)
For: IMPLANTABLE CONVERTER FOR COCHLEA)
IMPLANTS AND IMPLANTABLE HEARING)
AIDS)
) Group Art Unit: 3761

**SUBMISSION OF MISSING PARTS OF NONPROVISIONAL
APPLICATION UNDER 37 C.F.R. 1.53**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450", on <u>July 14, 2004</u> .	
(Date)	
HENRY M. FEIEREISEN	
Name of Registered Representative	
	<u>7-14-2004</u>
Signature	Date of Signature

S I R :

In response to the Notice to File Missing Parts of Nonprovisional Application, Filing Date Granted, mailed on April 21, 2004, applicant herewith submits the following items for filing in the above-referenced U.S. Patent Application.

The Commissioner is hereby petitioned to extend the period for response to above-referenced Official Action by ONE month until July 21, 2004.

☒ Accompanying this amendment is the appropriate fee of \$55.00 pursuant to 37 C.F.R. §1.17(c) and 37 C.F.R. §1.136(a).

- [X] An English translation of the originally filed German language application.
The hereto attached English language text is an accurate translation of the originally filed German language application.
- [X] Applicant claims small entity status pursuant to 37 C.F.R. 1.27.
- [X] Declaration and Power of Attorney, dated June 24, 2004; June 21, 2004, and June 30, 2004, respectively.
- [X] Copy of assignment, signed and dated by the inventors on June 30, 2004.
- [X] Cover sheet for Recordation of Assignment.
- [X] Certified copy of German priority application No. 103 01 723.2, filed January 15, 2003.
- [X] Check in the amount of \$693.00 to cover the fee of \$130.00 for filing of the application in a language other than English, the filing fee of \$385.00, the surcharge of \$65.00 for late filing of the Declaration, the surcharge of \$18.00 for filing two claims in excess of twenty, the fee of \$40.00 for recordation of the assignment, and the fee of \$55.00 for a one month extension of time.
- [X] Filing Fee.

The filing fee is calculated as follows:

Basic Fee:	\$ 770.00
Additional Fees:	
Total number of claims: 22-20	\$ 36.00
Number of independent claims: 1-3	\$ 0.00
Submission of a multiple dependent claim:	\$ 0.00
Reduction by 50% for a small entity	\$ 403.00
TOTAL	\$ 403.00

- ☒ Copy of Notice to File Missing Parts of Nonprovisional Application.
- ☐ Copy of Notice to File Corrected Application Papers.
- ☒ Preliminary Amendment.
- ☐ Request for Corrected Filing Receipt
- ☐ Information Disclosure Statement with ☐ references and ☐ PTO Form 1449.

Having now complied with all of the requirements of 37 C.F.R. 1.53, applicant respectfully requests that this application be placed upon the files for examination.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.

Respectfully submitted,

By: _____

Henry M. Feiereisen
Agent for Applicant
Reg. No: 31,084

Date: July 14, 2004
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HMF:be